

## REMARKS

Claims 3-4, 14, 17-24, 26, 34-39, 41, and 44 have been amended. No new claims have been added. No claims have been canceled. Claims 1, 3-4, 6-14, 17-24, and 26-49 are pending.

Claims 1, 4, 10, 13-14, 17, 22-24, 26, 31, 34-42, and 44-49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Coley (U.S. Patent No. 5,790,664) in view of Rydbeck (U.S. Patent No. 6,195,564). Claims 6-9, 18-21, 27-30, and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Coley in view of Rydbeck, Hershey (U.S. Patent No. 4,924,378), Wolf (U.S. Patent No. 5,673,315), and Danieli (U.S. Patent No. 6,510,513). Claims 11-12, and 32-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Coley in view of Rydbeck and Official Notice. These rejections are respectfully traversed.

Claim 1 recites, *inter alia*, “the application managing server further operable, based upon the license request, to selectively initiate a transmission across the wireless network of a license installable by the wireless device, the license providing for an execution of the resident software application.”

Claim 13 recites, *inter alia*, “the wireless communication means determining if a license is present to execute the software application; ... and wherein, upon the attempted execution of a software application on the wireless communication means, the wireless communication means ... receiving the transmitted license, and installing the license on the wireless communication means such that the licensed software application is executable.”

Claim 14 recites, *inter alia*, “upon each attempted execution of a resident software application without a valid license on the wireless device, sending a prompt across a wireless network to an application managing server, the prompt requesting transmission of a license; receiving the license for the resident software application from across the wireless network; and installing the license on the wireless device such that the resident software application is executable.”

Claim 23 recites, *inter alia*, “a sending step for sending, upon each attempted execution of a resident software application without a valid license installed on the wireless

device, a license request across a wireless network to an application managing server, the license request requesting transmission of a license; ... an installing step for installing the license on the wireless device such that the resident software application can be executed.”

Claim 24 recites, *inter alia*, “the computer platform, based upon the received execution request and a lack of a valid license on the wireless device, operable to transmit a license request across a wireless network to an application managing server requesting transmission of a license, ... the computer platform operable to install the license on the wireless device such that the resident software application is executable.”

Claim 34 recites, *inter alia*, “sending, upon each attempted execution of a resident software application without a valid license on the wireless device, a license request across a wireless network to an application managing server requesting transmission of a software application license; ... installing the software application license on the wireless device such that the resident software application is executable.”

Claim 35 recites, *inter alia*, “logic configured, in response to each detected attempt to execute the resident software application without a valid license installed in the wireless device to transmit a license request via the wireless network to an application managing server, the license request requesting transmission of a corresponding license; ... logic configured to install the corresponding license on the wireless device such that the resident software application is executable.”

Claim 36 recites, *inter alia*, “receiving, upon each attempted execution of a software application resident on a wireless device without a valid license on the wireless device, a license request from across a wireless network, the license request requesting transmission of a software application license; and initiating a transmission across the wireless network of the software application license to the wireless device, the software application license installable on the wireless device and providing for an execution of the software application on the wireless device.”

Claim 37 recites, *inter alia*, “receiving, upon each attempted execution of a software application resident on a wireless device without a valid license installed on the wireless device,

a license request from across a wireless network, the license request requesting transmission of a software application license; and initiating a transmission across the wireless network of the software application license to the wireless device, the software application license installable on the wireless device and providing for an execution of the software application on the wireless device.”

Claim 38 recites, *inter alia*, “receiving, upon each attempted execution of a software application resident on a wireless device without a valid license installed on the wireless device, a license request from across a wireless network, the license request requesting transmission of a software application license; and initiating a transmission across the wireless network of the software application license to the wireless device, the software application license installable on the wireless device and providing for an execution of the software application on the wireless device.”

Coley discloses an automated system for management of licensed software. More specifically, Coley discloses that a licensing system module may be associated with a software application on a wired network device to cause the software application, upon execution, form and send a license inquiry message over the Internet to a server hosting a licensing database. By using the licensing database, the server can respond to the license inquiry message to notify the licensing system module whether the application is licensed for use on the wired network device.

Significantly, in the system disclosed by Coley, the licensing system module always sends the license inquiry message to the server when the application is started. See, e.g., Fig. 2 at steps 202-210; Column 8, line 61 – Column 9, line 26 (especially column 8, lines 60-63). This is because in Coley’s system, the license is maintained only at the server. That is, no license is stored or maintained on the wired network device. This is because Coley assumes its wired network devices to be computer systems. See, e.g., column 7, lines 24-25. Coley further assumes that the computer is wired to a network, and the cost of communication is negligible. See, e.g., Fig. 1, computer 100.

In contrast, the independent claims are directed to the use of a software license system for wireless devices. Wireless network bandwidth is more scarce than wired network bandwidth. Accordingly, the independent claims recite a license which can be locally installed into the

wireless device. Accordingly, valuable wireless network resources are conserved if license installed in the application is valid. Only when there is no valid locally installed license does the subject matter recited in the independent claim communicate over the wireless network. These features are not disclosed or suggested by Coley.

The Office Action additionally cites to Rybeck, which discloses a method for automatically establishing a wireless link between a wireless modem and a communication device. The Office Action relies upon Rybeck for its disclosure of wireless networking. However, Rybeck is silent with respect to the use of a software license which can be installed into a wireless device. Similarly, Hershey, Wolf, and Danieli are also silent with respect to a software license which can be installed into a wireless device.

Thus, even if the disclosures of Coley, Rybeck, Hershey, Wolf, and Danieli can be combined as suggested in the Office Action, the resulting combination would result in the subject matter recited in the above quoted portions of the independent claims.

Claims 1, 13-14, 23-24, and 34-38 are believed to be allowable over the prior art of record. The depending claims (i.e., claims 2-12, 17-22, 26-33, and 39-49) are believed to be allowable for at least the same reasons as the independent claims.

## CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,



Dated: October 13, 2005

By: \_\_\_\_\_

Christopher S. Chow  
Reg. No. 46,493  
(858) 845-3249

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502